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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,704	03/13/2001	Tetsufumi Takaba	KOT-0024	4486

7590

06/17/2005

CANTOR COLBURN LLP  
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EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,704

Applicant(s)

TAKABA ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species IV, Figures 16-19, which is readable on claims 1-15 in the reply filed on 12/30/2004, is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

3. The drawings are objected to because of the following informalities:

In figure 16, "photographing means 103" should be changed to --image pick-up means 103--. It is noted that the specification, page 119, lines 11 and 18-19, disclose "image pick-up means 103".

In figure 22, "SYSTEM. CONTROL DEVICE 206" should be changed to -- SYSTEM CONTROL DEVICE 206--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informalities:

In the specification, pages 46, 131 and 142 disclose “Fig. 24.” However, there is no drawing sheet of Figure 24. The number of sheets of Drawings is 23 sheets, which disclose Figures 1-14, 15(a), 15(b), 16-23, as filed on 3/13/2001.

In the specification, pages 45, 107, disclose “Fig. 15,” however, the Drawings only disclose Fig. 15(a) and Fig. 15(b); there is no “Fig. 15” disclosed in the Drawings.

In the specification, page 113, discloses Fig. 14(a) and Fig. 14 (b), however, the Drawings only disclose Fig. 14 and the specification, page 45, discloses Fig. 14; there is no “Fig. 14(a) and Fig. 14(b)” disclosed in the Drawings.

Appropriate correction is required.

***Claim Objections***

5. Claims 14-15 are objected to because of the following informalities:

Claim 14 (line 2), "an image signal" should be changed to --the image signal--.

Claim 15 (line 3), "an image signal" should be changed to --the image signal--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (U. S. Patent Application No. 2001/0040625).

Regarding claim 1, Okada et al. discloses a system for recycling an electronic-image recording apparatus (a distribution/service system for reusing digital camera 10, Figure 5, Page 3, Sections [0050], [0054], which includes a restricting device to restrict an image-capturing operation under a predetermined condition occurring after use of said electronic-image recording apparatus (when the memory 18 of the digital camera 10 out of memory, the user cannot take any pictures, the user returns the digital camera 10 to the reuse center 402 for clearing data in memory 18 at recycling production factory 401, Figure 5, Page 3, Section [0050] through

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Section [0054]; it is noted that the memory 18 is read as restricting device; the capacity of memory 18 is read as a predetermined condition), comprising:

a readout section (distribution center 350, it is noted that at the distribution center, the photographed image data stored in digital camera 10 is readout and transmitted to image station 50, Figure 5, Page 3, Sections [0050], [0051]) to read a first image signal in the electronic-image basis of an image signal stored in said electronic-image recording apparatus;

a converting section to convert said first image signal, read by said readout section, into a second image (it is noted that the image data photographed stored in digital camera 10 may be stored in hard disk 38 of transmitting apparatus 30 of the distribution center 350, so as to be displayed on display portion 33, therefore, an A/D converter is included in apparatus 30 for converting digital signal to analog signal for displaying signal on display portion 33, Figure 6, Page 4, Section [0067]);

a canceling section (recycling production factory 401, it is noted that at the recycling production factory 401, the image data stored in the memory 18 of the digital camera 10 is cleared; after that the digital camera 10 can be reused, the user can take pictures and store in the memory 18, Figure 5, Page 3, Sections [0050], [0051], [0054]) to cancel the image-capturing restriction set by restricting device included in said electronic-image recording apparatus.

Regarding claim 2, Okada et al. discloses a processing section (at the recycling production factory 401, the image data stored in the memory 18 of the digital camera 10 is cleared; after that the digital camera 10 is shipped again for reusing, Figure 5, Page 3, Sections

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[0050], [0051], [0054]) for applying a predetermined processing to said electronic-image recording apparatus, in order to reuse it.

Regarding claim 3, Okada et al. discloses wherein said processing section conducts a mechanical inspection process for said electronic-image recording apparatus (in the recycling production factory 401, the battery 20, external appearance, basic camera function of the digital body 10b, lens 11 are examined, Page 3, Section [0054]).

Regarding claim 4, Okada et al. discloses wherein said electronic-image recording apparatus memorizes identification data (each digital camera 10 has a different password 27 and the password 27 is recorded on the outer-sheath portion 10b of the digital camera 10 in an invisible manner, Page 2, Section [0042], and said processing section changes said identification data memorized in said electronic-image recording apparatus (in the recycling production factory 401, the outer-sheath portion 10b of the digital camera 10 is replaced with a new one, and a new password is recorded, Page 3, Section [0054]).

Regarding claim 5, Okada et al. discloses wherein said processing section electronic-image recording apparatus initializes said electronic-image recording apparatus (at the recycling production factory 401, the image data stored in the memory 18 of the digital camera 10 is cleared; after that the digital camera 10 is reused (initialized), Page 3, Section [0054]).

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Regarding claim 6, Okada et al. discloses wherein said processing section erases data memorized said electronic-image recording apparatus (at the recycling production factory 401, the image data stored in the memory 18 of the digital camera 10 is cleared, Page 3, Section [0054]).

Regarding claim 7, Okada et al. discloses wherein said processing section exchanges unusable and/or worn-out parts apparatus with new parts of said electronic-image recording (if failed examination, the digital camera body 10a is disassembled, and the upper and lower cabinets 22 and 23 are recycled; the outer-sheath portion 10b of the digital camera 10 is replaced with a new one, Page 3, Sections [0054], [0055]).

Regarding claim 8, Okada et al. discloses a recording section (hard disk 38 and printer 34, it is noted that the image data photographed stored in the digital camera 10 may be stored in the hard disk 38 and printed with the printer 34, Figure 6, Page 4, Section [0067]) to record image information on a recording medium, based on said second image signal.

Regarding claim 9, Okada et al. discloses wherein said recording section records said image information on said recording medium in a visible form (it is noted that printer 34 generates images on a sheet of paper, so the images are in visible form, Page 6, Section [0067]).



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Regarding claim 10, Okada et al. discloses wherein said recording section stores said image information in said recording medium in a form of digital data (hard disk 38 stores digital image, which is captured by digital camera 10, Page 4, Sections [0061], [0067]).

Regarding claim 13, Okada et al. discloses wherein said second image signal is a general purpose image signal (it is noted that the image data photographed stored in digital camera 10 may be stored in hard disk 38 of transmitting apparatus 30 of the distribution center 350, can be displayed on display portion 33 or can be printed by printer 34, Figure 6, Page 4, Section [0067]);

Regarding claim 14, Okada et al. discloses wherein said first image signal is the image signal memorized in said electronic-image recording apparatus as digital signals (the image is stored in the memory 18 in JPEG compressed form, Section [0049]).

Regarding claim 15, Okada et al. discloses wherein said first image signal is digital image signals converted from an image signal, memorized in said electronic-image recording apparatus as analogue signals, through an analogue-to-digital conversion process (since the image signal memorized at the CCD 12 of the digital camera 10 is analog signal, an analogue-to-digital converter is included in the digital camera 10, in order to convert the analog signal into digital signal then store the digital image in the memory 18, Section [0049]).

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U. S. Patent Application No. 2001/0040625) in view of Ogino (U. S. Patent No. 5,852,467).

Regarding claim 11, Okada et al. fails to specifically disclose an image-capturable state notifying section to notify that a number of images, recorded in said electronic-image recording apparatus, is within a range of a predetermined number, when the number of images does not exceed said predetermined number of images to be stored in said electronic-image recording apparatus. However, Ogino teaches an electronic camera, in which when the accumulated amount of data stored in internal memory 6 has reached the maximum amount and the remaining storable amount of hard-disk device 11 becomes less than or equal to the maximum capacity of internal memory 6, LED 15 is turned on in order to warn the photographer of the incapability of a subsequent photographing operation (i.e., the next picture cannot be stored on the hard disk), Figures 1-2, Column 3, Lines 54-67, Column 4, Line 63 – Column 5, Line 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okada et al. by the teaching of Ogino in order to warn the photographer the incapability of a subsequent photographing operation (i.e., the next picture cannot be stored on the hard disk, Column 3, Lines 60-67).

***Allowable Subject Matter***

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10. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the prior art of the record fails to show or fairly suggest a system for recycling an electronic-image recording apparatus, comprising a storing section to store said electronic-image recording apparatus from which said first image signal is already read out by said readout section, in such a manner that a person, other than predetermined personnel, cannot remove said electronic-image recording apparatus from said storing section, in combination with other claim elements.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cloutier et al. (U. S. Patent No. 5,752,085) discloses rental camera with key-opening lock to deter customer reuse after competed exposure.

Cipolla et al. (U. S. Patent No. 6,275,656) discloses method for associating a film unit and a one-time use camera.

Boyd et al. (U. S. Patent No. 6,282, 375) discloses one-time use camera having breakable component and recycling method.

Reed (WO 01/15440 A1) discloses one time use digital camera.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
05/31/05



**LUONG T. NGUYEN**  
**PATENT EXAMINER**